

9-9-402 Definitions.

As used in this part:

- (1) "Antiquities Section" means the Antiquities Section of the Division of History.
- (2) "Burial site" means a natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture individual human remains are deposited.
- (3) "Cultural affiliation" means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian tribe and an identifiable earlier group.
- (4) "Director" means the director of the Division of Indian Affairs.
- (5) "Division" means the Division of Indian Affairs.
- (6) "Indian tribe" means a tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (7) "Lineal descendant" means the genealogical descendant established by oral or written record.
- (8) "Native American" means of or relating to a tribe, people, or culture that is indigenous to the United States.
- (9) "Native American remains" means remains that are Native American.
- (10)
 - (a) "Nonfederal land" means land in the state that is not owned, controlled, or held in trust by the federal government.
 - (b) "Nonfederal land" includes:
 - (i) land owned or controlled by:
 - (A) the state;
 - (B) a county, city, or town;
 - (C) an Indian tribe, if the land is not held in trust by the United States for the Indian tribe or the Indian tribe's members; or
 - (D) a person other than the federal government; or
 - (ii) school and institutional trust lands as defined in Section 53C-1-103.
- (11) "Remains" means all or part of a physical individual and objects on or attached to the physical individual that are placed there as part of the death rite or ceremony of a culture.
- (12) "Review committee" means the Native American Remains Review Committee created by Section 9-9-405.
- (13)
 - (a) "State land" means land owned by the state including the state's:
 - (i) legislative and judicial branches;
 - (ii) departments, divisions, agencies, boards, commissions, councils, and committees; and
 - (iii) institutions of higher education as defined under Section 53B-3-102.
 - (b) "State land" does not include:
 - (i) land owned by a political subdivision of the state;
 - (ii) land owned by a school district;
 - (iii) private land; or
 - (iv) school and institutional trust lands as defined in Section 53C-1-103.

Amended by Chapter 114, 2008 General Session